

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 407
AUTHOR: Santiago
BILL DATE: April 11, 2019, Amended
SUBJECT: Fluoroscopy Permit or Certification and Continuing
Education: Exceptions
SPONSOR: California Orthopaedic Association
California Podiatric Medical Association
POSITION: Neutral

DESCRIPTION OF CURRENT LEGISLATION:

This bill would allow a physician or a doctor of podiatric medicine to provide fluoroscopy services without a fluoroscopy permit or certification if the fluoroscopy services are provided in a setting that is in compliance with the Centers for Medicare and Medicaid Services' (CMS) Conditions for Coverage (CfC) relating to radiation safety.

BACKGROUND:

According to the Food and Drug Administration, fluoroscopy is a type of medical imaging that shows a continuous X-ray image on a monitor, much like an X-ray movie. During a fluoroscopy procedure, an X-ray beam is passed through the body. The image is transmitted to a monitor so that the movement of a body part or of an instrument or contrast agent ("X-ray dye") through the body can be seen in detail. Fluoroscopy is used in a wide variety of examinations and procedures to diagnose or treat patients.

To use fluoroscopy equipment in California, an individual must obtain either a radiologic technologist fluoroscopy permit, a fluoroscopy supervisor and operator permit, or a Physician Assistant's fluoroscopy permit. One of the requirements to obtain a permit is to pass an examination administered by the American Registry of Radiology Technologists (AART). A fluoroscopy supervisor and operator permit is also issued to a licensee of the healing arts defined as a licensed physician and surgeon, licensed podiatrist, or licensed chiropractor. To supervise a radiologic technologist in the operation of fluoroscopy equipment or to operate fluoroscopy equipment, a physician, podiatrist or chiropractor must pass the examination administered by AART. According to the California Department of Public Health, as of June 1, 2018, there are 8,771 physicians and podiatrists with current/valid fluoroscopy permits.

In order to participate in and receive federal payments from Medicare or Medicaid programs, a health care organization must meet the government requirements for program participation, including a certification of compliance with the health and safety requirements, which are set forth in federal regulations. The certification is achieved based on either a survey conducted by a state agency on behalf of the federal

government, such as CMS, or by a national accrediting organization, such as The Joint Commission, that has been recognized by CMS (through a process called “deeming”) as having standards and a survey process that meet or exceed Medicare’s requirements. As of January 1, 2019, all fluoroscopy operators working in facilities accredited by the Joint Commission are now required to undergo radiation safety training to maintain their privileges. This on-site training will be provided on an annual basis and surveyed by the accrediting agency, and, unless the law is changed, this will be in addition to the required examination.

ANALYSIS:

According to the author, with the new radiation safety requirement in place, it makes sense that anyone undergoing training and deemed competent in radiation safety should not be withheld a fluoroscopy certification simply because they need to pass an additional test. These physicians should be able to perform fluoroscopy in any CMS accredited facility following compliance with CMS’ radiation safety guidelines. The author believes it is time to update this archaic system and adopt new training requirements so that more providers are deployed to safely perform these procedures and treat patients.

Due to the new radiation safety training required in CMS certified facilities, it seems reasonable to no longer require physicians and doctors of podiatric medicine working in these facilities to obtain a fluoroscopy permit or certification. The Board has taken a neutral position on this bill.

FISCAL: None

SUPPORT: California Orthopaedic Association (Co-Sponsor)
California Podiatric Medical Association (Co-Sponsor)

OPPOSITION: California Radiological Society